

1 PENELOPE A. PREVOLOS (CA SBN 87607)
(PPreovolos@mofo.com)
2 ANDREW D. MUHLBACH (CA SBN 175694)
(AMuhlbach@mofo.com)
3 JOHANNA W. ROBERTS (CA SBN 191472)
(JRoberts@mofo.com)
4 NATALIE NAUGLE (CA SBN 240999)
(NNaugle@mofo.com)
5 MORRISON & FOERSTER LLP
425 Market Street
6 San Francisco, California 94105-2482
Telephone: 415.268.7000
7 Facsimile: 415.268.7522

8 *Attorneys for Defendant*
APPLE COMPUTER, INC.

9
10 LAW OFFICES OF HELEN ZELDES
HELEN I. ZELDES (CA SBN 220051)
249 Highway 101 – No. 370
11 Solana Beach, CA 92075
Telephone: 858.523.1713
12 Facsimile: 858.523.1783
Email: HelenZ@zeldeslaw.com

13 BERNSTEIN LIEBHARD & LIFSHITZ, LLP
14 KEITH M. FLEISCHMAN
RONALD J. ARANOFF
15 SUSAN COLLYER (CA SBN 179621)
10 East 40th Street – 2nd Floor
16 New York, NY 10016
Telephone: 212.779.1414
17 Facsimile: 212.779.3218
Email: Collyer@bernlieb.com

18 *Attorneys for Plaintiff*
19 BRIAN F. GORDON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

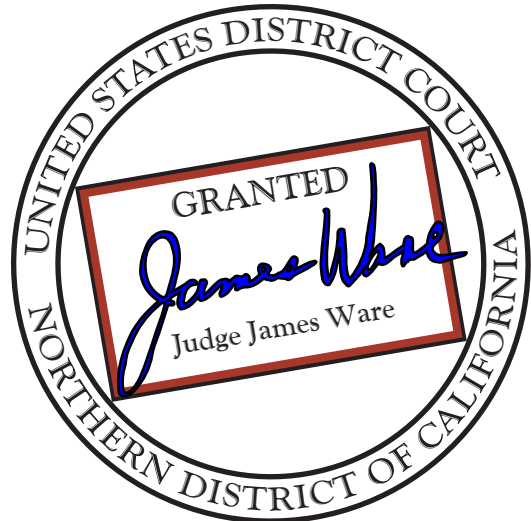
22 BRIAN F. GORDON, on behalf of himself and all
23 others similarly situated,

24 Plaintiff,

25 v.

26 APPLE COMPUTER, INC., and, DOES 1
THROUGH 50, inclusive,

27 Defendant.



Case No. C 06 5358 JW

CLASS ACTION

**STIPULATION REGARDING
EXCHANGE OF INITIAL
DISCLOSURES**

The Honorable Judge James Ware

1 WHEREAS, the Case Management Conference originally scheduled for December 18,
2 2006 has been continued to February 5, 2007; and

3 WHEREAS, the parties have agreed to private mediation and to exchange pre-mediation
4 discovery;

5 IT IS HEREBY STIPULATED AND AGREED pursuant to Local Rule 6-1(a) and
6 Federal Rule of Civil Procedure 26(a)(1) that the exchange of Initial Disclosures currently
7 scheduled for December 18, 2006, will be postponed until after mediation.

8 IT IS SO STIPULATED.

9 Dated: December 15, 2006

PENELOPE A. PREOVOLOS
ANDREW D. MUHLBACH
JOHANNA W. ROBERTS
NATALIE NAUGLE
MORRISON & FOERSTER LLP

12
13 By: /s/ Penelope A. Preovolos
14 Penelope A. Preovolos

15 *Attorneys for Defendant*
APPLE COMPUTER, INC.

16 Dated: December 15, 2006

HELEN ZELDES
LAW OFFICES OF HELEN ZELDES

18 KEITH M. FLEISCHMAN
19 RONALD J. ARANOFF
20 SUSAN COLLYER
BERNSTEIN LIEBHARD & LIFSHITZ, LLP

21 By: /s/ Susan Collyer
22 Susan Collyer

23 *Attorneys for Plaintiff*
24 BRIAN F. GORDON

1 I, Penelope A. Preovolos, am the ECF user whose ID and password are being used to file
2 this Stipulation to Postpone Exchange of Initial Disclosures. In compliance with General Order
3 45.X.B, I hereby attest that Susan Collyer has concurred in this filing.

4
5 Dated: December 15, 2006

PENELOPE A. PREOVOLOS
ANDREW D. MUHLBACH
JOHANNA W. ROBERTS
NATALIE NAUGLE
MORRISON & FOERSTER LLP

6
7
8
9 By: /s/ Penelope A. Preovolos
10 Penelope A. Preovolos

11 *Attorneys for Defendant*
12 APPLE COMPUTER, INC.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE BY MAIL
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**STIPULATION REGARDING EXCHANGE OF INITIAL
DISCLOSURES**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, in accordance with Morrison & Foerster's ordinary business practices:

Ronald J. Arandoff, Esq.
Keith M. Fleischman, Esq.
Bernstein Liebhard & Lipshitz, LLP
10 East 40th Street, 2nd Floor
New York NY 10016

I declare under penalty of perjury that the above is true and correct.

Executed at San Francisco, California, this 15th day of December, 2006.

Carol J. Peplinski
(typed)

/s/ Carol J. Peplinski
(signature)

ATTESTATION OF E-FILED SIGNATURE

I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file this Proof of Service. In compliance with General Order 45, X.B., I hereby attest that Carol J. Peplinski has read and approved this Proof of Service and consents to its filing in this action.

Dated: December 15, 2006.

MORRISON & FOERSTER LLP

/s/ Penelope A. Preovolos
/s/ Penelope A. Preovolos